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H – 5157

International Court of Justice

H5157 - 0002

Final French Indictment

II.- Personal responsibility of the defendants

C.I.-A. By the light of domestic law

C.6 -B. Need for a synthetic viewing of facts.

C.9 - 1. The acts of the defendants are elements of a politically criminal plan.

C.21 - 2. Coordination of various services headed by these men implies close co-operation between them for the realization of their political crimes.

C.29 - 3. They must be judged by reason of their functions in these political crimes.

C. The crime is that of the German Reich.

D. All the defendants contributed to its execution.

III. - Atrocity of the Crime.

IV. - Conclusion

Appendix to Indictment: M. Gerthofer's Note on the Defendant Schact.

H5157 - 0003

Such are the facts set forth by the French Delegation.. This reminder was needed to establish our contribution to the Trial. We do not intend, however, to disjoin our work from the whole work, such as results from the expositions of the other three Delegations and the debates. It is on the basis of this work as a whole that we shall proceed with our indictment and examine the personal responsibility of the defendants.

Reviewing the deeds charged against them one by one, they are found to be murder, indictible theft, and other serious offenses against persons and their property which are always punishable in civilized countries. M. de Menthon has in his introductory address shown this already.

The defendants did not actually commit the crimes, they were satisfied with ordering them. In the technical sense of our French law, they are therefore accomplices. Making allowance for certain differences, mostly differences of form only, in most countries the perpetrators of serious offences and their accomplices are punished by capital punishment or very severe penalties, forced labor, solitary confinement.

H5157 - 0004

That is the Anglo-Saxon practice. This also follows in France from application of Articles 221 ff, 379 ff, 59 ff of the French Penal Code. In Germany Article 211 punishes homicide, Article 212 murder, Articles 223 to 226 tortures, Article 229 poisoning and murder by gas, Article 234 covers slavery, subjection to serfdom, incorporation with a view to military service in a foreign country; Articles 242 and 243 cover theft and pillage; Article 130 provoking the population to violence. The case of accomplices and of co-originators is covered by Articles 47 and 49.

Similar arrangements exist in Soviet legislation.

H5157 - 0005

That, as the leaders of the Reich, as the accomplices of the Fuehrer, these men are all responsible for the crimes perpetrated under their rule, that before the universal conscience their responsibility is heavier than that of the common executioners, two defendants: FRANK and SCHIRACH have admitted it:

FRANK said:

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H5157 - 0006

"I never created extermination camps for Jews. I never favored the existence of these camps either, but if Adolf HITLER placed this terrible responsibility on the shoulders of his people, this responsibility rests also on me, for we fought the Jews for years, we made all kinds of statements against them....."

and these last words of FRANK condemn, with him, all those who pursued the campaign of instigation against the Jews in Germany or elsewhere. Let us remember FRANK's answer to the question, put to him by his Defense Counsel regarding the charges stated in the indictment. It holds good against all the defendants and still more against those who were closer to HITLER than he was:

"Regarding the charges I will only say this: I request the Tribunal to decide as to the extent of my culpability at the end of this trial, but I should like to say personally that from all that I saw in the course of these five months of trial, which has given me a general survey of all the horrible things that have been committed, I feel thoroughly guilty."

Von SCHIRACH on his part stated:

> "Here is my fault for which I am answerable before God and the German people. I brought up our youth for a man whom in the course of many long years I considered, as the chief of our country. For him I trained our youth that considered him as myself did. It is my fault for having trained our youth for a man who was an assassin, who killed millions of people. . . .Any German who after AUSCHWITZ still adheres to the racial policy is guilty. . . I consider it my duty to say so".

Such cries of conscience were rare in the course of this trial and more frequent, copying Goering's quibbling vanity, the defendants tried to justify themselves in the name of a policy of Neo-Machiavellism which would free the leaders of the State of all personal usponsibility. Let us note only that no such provisions are made anywhere in the laws in any of the civilized countries, and that on the contrary the arbitrary and aggresive acts aiming at individual liberty, at Civic rights or at the constitution are more severely punished when they have been committed by a public functionary, a Government official of higher rank, and that the severest punishment is meted out to the Ministers themselves (Art. 114 and 115 of the French Penal code).

H5157 - 0007

H5157 - 0008

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But let us limit ourselves on this point. Our only aim is to recall that the main facts charged against the defendants may be analysed separately as violations of the criminal laws of any one of the positive internal laws of all civilized countries, or else of that common international law which M. de MENTHON has already interpreted and which has been submitted here as the root of international custom, and that thus the punishment of each of these facts is not without a foundation, but that on the contrary, even restricting one's self to this analytical preview, the gravest penalthies have already been incurred.

It is, however, necessary to go beyond that, for while it does not omit any culpable fact as such, the analysis of the defendant's guilt in the light of internal laws is only a first approximation which would enable us to prosecute the defendants merely as accomplices and not as principal perpetrators. And we are anxious to demonstrate that indeed they were the principal culprits.

We hope to succeed in this by developing the following three propositions:

1°) The acts of the defendants are the elements of a criminal political plan.

H5157 - 0009

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2° The coordination of the various departments which were headed by these men implies a close cooperation between them for the realization of their criminal policy.

3° They must be judged as acting in behalf of this criminal policy.

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(see page C 9)

H5157 - 0010

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THE ACTS OF THE DEFENDANTS ARE THE ELEMENTS OF A CRIMINAL POLITICAL PLAN.

The defendants have practised widely different activities. As politicians, diplomats, soldiers, sailors, economists, financeers, jurists, or propagandists, they represent practically all the forms of liberal activity. Without any hesitation, however, one is able to recognize the tie that binds them together. All have placed the best - or the worst of themselves - at the service of the Hitlerite State. To a certain extent they represent the brains of that state. By themselves alone they did not represent it entirely. Nevertheless, nobody can doubt that they were an important part of it. They conceived the policy of that state. They wanted their thought to become action and all in scarcely differing degrees have contributed toward its realization. This is true whether it applies to HESS, to GOERING, professional politicians who admit never having practised any other profession than that of agitator or statesman, or to RIBBENTROP, to NEURATH, to PAPEN, the diplomats of the regime, or to KEITEL, to JODL or DOENITZ or RAEDER

H5157 - 0011

the military men, to ROSENBERG, to STREICHER, to FRANK, to FRICK, the thinkers (if that term can be applied to them) of the ideology of the system, to SCHACHT, to FUNK, the financiers without whom the system would have failed and collapsed before it was able to rearm, to jurists like FRANK, to publicists and propagandists like FRITZSCHE and, again, STREICHER, devoted to the diffusion of the common idea or again to technicians like SPEER or SAUCKEL, without whom the idea never could have been developed into action as it has been, to policemen such as KALTENBRUNNER who subdued minds by terror, or simply Gauleiters like SEYSS-INQUART, SCHIRACH or, again, SAUCKEL, administrators, officials of high authority as well as politicians, who shaped into a concrete whole the common policy conceived for the sum-total of the State and of party machinery.

I know full well that the shadow of the absent ones towers over this machine, and today's defendants are always reminding us: "HITLER wanted this, HIMMLER wanted this, BORMANN wanted this!", they say. "I only

H5157 - 0012

obeyed", and their defence counsels stress the point. HITLER the prodigious tyrant, the fanatic visionary imposing his will with an irresistible magnetic power. This is too simple. This is too sketchy. No man is entirely non-receptive to suggestions, to insinuations, to influence, and HITLER could escape that law no more than any other man. We have had irrefutable proof of this in all that these proceedings have permitted us to guess concerning the struggle for influence which was waged in the "great man's" entourage. The treacherous, underhanded slanders were unrolled, the intrigues which reminded us at certain time during the proceedings of the small courts of the Italian Renaissance, Everything was included, even up to murder. Is it not true that GOERING, before he himself fell into disgrace, got rid of ROEHM and HESS, who had not plotted against their master, but against him, as GISEVIUS told us. So much imagination such perseverance in evil, but also such efficiency, show us that HITLER was not insensible to the actions and intrigues of the men around him. What a pity that these intrigues

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H5157 - 0013

were not trained in the right direction! But of HITLER's receptiveness to influences we have direct evidence, and it is given us by SCHACHT who thereby apart from these men involves the German masses, the good sense of which these men had contributed to warp and in which they rouser the worst of passions.

Did not SCHACHT say of HITLER in Court:

> "I believe that in the beginning he did not have only
> "evil tendencies without a doubt he believed he wished
> "only good, but little by little he became the victim
> "of the charm he exerted over the masses, for he who
> "begins by seducing the masses is in the end seduced
> "by them, so that this relation between chief and
> "disciple helped to lead him into the erroneous ways
> "of mass instincts, which any political chief should
> "strive to avoid."

What was then the great idea of them all?

Incontestably it was that of the conquest of vital space by any and all means, even the most criminal.

At a time when Germany is still disarmed, when prudence is still required, SCHACHT, who is on HITLER's side, asks for colonies; we remember HIRSCHFELD's testimony, but he dissembles, he partly disguises the great idea of the State machine to which he belongs, and this idea we would be less easy in our mind in denouncing it without the the disconcerting artlessness of the

H5157 - 0014

a great man", who ten years previously had revealed the whole of his plans of battle for all the world to see.

"Mein Kampf" (French text)

(excerpt from page 641)

" The German people cannot consider its future otherwise than as that " of a world power. During nearly two thousand years the steward- "ship of our people's interest, as we must call our more or less "successful foreign political activity was an integral part of "world history. We have even witnessed it: for the gigantic con- "flict between nations from 1914 to 1918 was nothing else than the "struggle of the German people for its existance on the terrestrial "globe and we even call that event the World War.

"The German people went into the fight as a so-called world power. "I say "so-called" for in reality it was not. If in 1914 there "had been a different proportion between its superficial area and the number of its population, Germany would have been a world power, and, apart from the other factors might have found a successful issue"...

(Excerpt from page 647.)

"I would rather say this: The claim for the reestablishment of the "frontiers of 1914 is a political insanity through its proportions "and its consequences, which reveal it to be an actual crime, this "without taking into account that the frontiers of the Reich were "anything but logical. In reality they did not include all the men "of German nationality and neither were they more rational from a "strategic point of view. They were not the result of a calculated "political plan, but rather temporary frontiers; in the course of "a struggle by no means ended, they were even partly the result of "a gamble.

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H5157 – 0015

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extract from page 649

The frontiers of the year 1914 have absolutely no value for the future of the German nation. They constituted neither a safeguard for the past nor a power for the future. They will not enable the German people

"to maintain its inner unity nor to assure its subsistence.
"Regarded from the military point of view, these bounderies
"appear neither well chosen nor reassuring and, finally, they
"cannot improve the situation in which we actually find ourselves
"in relation to the other world powers or to be more correct, in
"relation to the real world powers."

(Extract from page 650)

"But we, we other National-Socialists, must hold immovably to the
"goal of our foreign policy: to secure for the German people the
"territory to which it is entitled in this world. And this is the
"only action which before God and before Germany's future gener-
"ations justifies the shedding of blood; before God, because we
"were placed upon this earth to gain our daily bread through per-
"petual striving, as creatures to whom nothing has been given
"without an equivalent, and who owe their position as masters of
"the earth to their intelligence only, and to the courage with
"which they know how to conquer it and to conserve it for our
"German posterity, provided that the blood of a single German
"citizen will not be shed unless this should give to future
"Germany thousands of new citizens. The territory upon which
"the robust children of generations of German peasants will some
"day be able to multiply, will justify the sacrifice of our
"children and will absolve the statesmen who by their generation
"are being held responsible, even persecuted because of the blood
"and the sacrifice imposed upon our people."

(Extract from page 687)

"A State which in an age of racial contamination keeps jealous
"watch over the conservation of its best elements, is bound some
"day to become the master of the earth. ...."

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H5157 - 0016

H5157 - 0017

(extract from page 135)

"A stronger race will drive away the weaker races,
"since the final rush towards life will break the
"ridiculous restraints of a so-called individualistic
"humanity to replace it by a humanity true to the nature
"which annihilated the feeble in order to give their
"place to the strong....."

My Struggle (Mein Kampf)page 135

And then the strength of the State machinery and of the Party grew. The reorganized army was soon powerful enough to permit Germany to arm openly. Who, at that time, would dare to interrupt the monstrous development of this biological materialism? HITLER specified his ideas in a small circle, and those who heard his words are not all Nazis. Enlightened as to the master's purposes, they will yet stay by his side, and that is what condemns them. Is it not so RAEDER?

"The question is not of conquering populations
"but of conquering territories suitable for cultivation..."

HITLER in conference with
von BLOMBERG, Von FRITSCH, RAEDER
5 November 1937

"Expansion cannot be made a reality except by breaking
"existences to pieces and running the risks....."

same speech.

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H5157 - 0018

After von FRITSCH and von BLOMBERG had fallen into disfavor, KEITEL and JODL, picked because of their servility to the system, had a solid war-tool in their hands. On the evening before the outbreak of the conflict HITLER recalled his thoughts:

"Circumstances must be adapted to goals which are to be "attained. This is impossible without invasion of foreign "States, or attack against foreign property.

"Vital space proportionate to the greatness of the State "is the basis of all power. For attime one can refuse "to face the problem; but in the end it must be solved, "one way or another. The choice is between progress or "decline. Fifteen or twenty years hence we will be forced "to find a solution. No German statesman could evade that "question any longer. We are at this moment filled with a "patriotic fervor which is shared by two other nations: "Italy and Japan.

"The period which is behind us was well utilized. All "measures were taken concretely and in harmony with our "aims.

"After six years the situation today is as follows: "National political unity of the Germans has been "accomplished except for a few details. The ultimate "success cannot be obtained without the shedding of blood.

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"Danzig is in no case a subject of dispute. It is a question of expansion in the East, of space needed for our existence (Lebensraum) and of assuring our food supplies.

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The peoples of non-German territories will not be called for military service but will be available as a labor reserve.

The Polish problem is inseparable from a conflict in the West."

Extract from Minutes of a Conference at the Reich Chancellery, of 23 May 1939, in the presence of Hitler, Goering, Raeder, Keitel and others. - Doc. L. 79. Exhibit U.S.A. 27)

And the war came which in a few months' time made all Germany believe that her force was irresistible and that she could proceed to conquer the world. All that was meant by this cruel, monstrous phrase of Hitler:

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H5157 - 0019

H5157 - 0020

" We must keep firmly to the aim of our foreign policy:
" secure for the German people the territory to which it
" is entitled in this world. And this world. And this act is
" the sole act which, before God and our German posterity,
" justifies bloodshed..."

was thus developed:

" We claim to have been compelled to carry out occupation,
" administration etc... Nobody will realize it is the question
" of a permanent settlement. It will not prevent us from taking
" the necessary measures: executions, deportations...etc."

Speech by Hitler on the Eastern Territories 16.7.41
(L.221)

"Partisan warfare will have one advantage for us. It will enable us to exterminate all those who oppose us..."

(Same speech L221)

The same theme was taken up and cynically proclaimed by the spokesmen of the State.

This Trial has brought you echos thereoff:

" Whatever the nations of category A blood can offer us we
" shall take, if necessary by taking their children away from
" them and bringing them up among us" (Himmler's speech) (PS.1919)

" Whether nations thrive or starve only interests me in the measure that we use them as slaves for our civilization"

(Same Speech)

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"that 10,000 Russian women should die of exhaustion
"in digging an anti-tank ditch only interests me to the extent
"whether the anti-tank ditch has been completed for Germany."

(same speech)

"When somebody comes and says to me: "I cannot have
"the anti-tank ditch dug by women and children because it
"is inhuman and would kill them, I reply: You are a murderer
"of your own kin, for if the ditch is not finished
"German soldiers will fall and they are the sons of German
"mothers."

(same speech)

and concerning the extermination Jews:

"We have exterminated microbe. We did not
"wish to be contaminated and die. We have fulfilled this
"duty for the sake of our people. Our spirit and
"character have not suffered from it."

(same speech).

H5157 - 0021

H5157 - 0022

THE CONQUEST OF VITAL SPACE, I.E. OF TERRITORIES EMPTIED OF THEIR POPULATION BY EVERY METHOD, EXTERMINATION INCLUDED, THAT WAS THE GREAT IDEA OF THE PARTY, OF THE SYSTEM, OF THE STATE AND THUS OF ALL MEN WHO ARE AT THE HEAD OF THE MAIN ADMINISTRATION BOTH OF THE STATE AND OF THE PARTY.

That is the great idea in the service of which they united, for which they have been working. To realize this all measures were good enough, violation of treaties, invasions and enslavement of weak and peaceful neighbours in peacetime, wars of aggression, total wars with all the atrocities the words imply. GOERING and RIBBENTROP cynically admitted that they participated in it spiritually and materially and the generals and the admirals helped as hard as they could.

SPEER exploited labour to starvation and to death, labour recruited for him by SAUCKEL, KALTENBRUNNER, the regional leaders of the NSDAP (Gauleiter) and the Generals. KALTENBRUNNER exploited the gas chambers which FRICK, SCHIRACH, SEYSS-INQUART, FRANK, JODL, KEITEL and the others furnished with victims. But the creation of the gas chambers themselves had been made possible because a favorable political ideology had been developed and there each overlapping the other, you find the responsibility of all, of GOERING, HESS, ROSENBERG, STREICHER, FRICK, FRANK, FRITSCHE, even of SCHACHT himself, the pro-Jewish SCHACHT included. Did he not say to HIRSCHFELD:

"I want the greatness of Germany and to accomplish it I am ready to ally myself with the devil himself."

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H5157-0023

He entered into this alliance with the devil and with hell..... PAPEN included who sees his secretaries and friends killed around him and continues to accept official missions in Ankara, in Vienna, because he believes he can appease HITLER by serving him.

Not all are there, there are those who are dead, and those who are living; for example the industrialists who exploited the workers of the enslaved countries after having carried HITLER and his system to power by providing the money without which nothing would have been done; who carried them to power by nationalist fanaticism as well as because they expected from Nazism the guarantee of their priveleges.

Everything was connected, everything was indissolubly united because the totalitarism policy, the total war, preparation and conduct of the plan of extermination of the peoples for the conquest of space, implied a co-ordination, a close liaison between all government administrations: Police and Army - Foreign Affairs - and Police and Army - Justice andPolice - Economics andJustice - Universities and Propaganda and Police.

And now we have come to the second proposition which we have to demonstrate.

THE COORDINATION OF THE VARIOUS DEPARTMENTS AT THE HEAD OF WHICH THESE MEN STOOD, IMPLIES CLOSE COOPERATION BETWEEN THEM.

The Defense strives to establish watertight partitions between the diffe different elements of the German State.

H5157 - 0024

According to him, there is supposed to be a parallel without a horizontal bond between the various State and Party departments, between individual ministerial administrations and between individual National-Socialist organizations. The only connecting link would be the person of the Chief, at the head. According to the defense, the dominating principle of German structure would be personal union, not coordination and cooperation.

This is false. This is contrary to the principles of the Nazi State and requirements of a State in which every force strives towards the same goal and towards the actual reality of German life as revealed by the debates.

According to National Socialist conception, the Party must take the place of Democracy. The Party is the political expression of the Nation, which materialises in the political action of the State carried out by the activity of its administrations. The 1 December 1933 Act proclaims, for the purpose of ensuring the unity of the Party and State, that the Party is the exclusive support of the State conception, and indissolubly unites the Party and the State.

At the Party Congress in 1934, HITLER says:

> "It is not the State that created us. We create the State for ourselves. To some we may appear as the Party, to others as an organization, for yet others as something different but actually we are what we are."

The aim pursued by the Party is therefore to achieve a more and more complete union between the State and the Party. This explains the legislation which makes it compulsory for the

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H5157 - 0025

chief of the Party Chancery to be consulted in the appointment of ranking officials; which incorporates Party chiefs in municipal administration, integrates the SS into the Police, and assimilates the SS to police officers; makes t e direction of the Hitler Youth a State department, integrates the direction of Party headquarters abroad into the Foreign Department and merges together to an increasing extent the military personnel of the Party and those of the State. General von BRODOWSKY's war diary, which we have submitted to the Tribunal, shows this merger was a fact at the time of the landing in France. HITLER , however, continued to maintain the system of parallel State and Party administration, because they control and supervise each other. But he co elled both parties to cooperate closely, to be certain of the effectiveness of the control.

All the defendants moreover excepting HESS, are representative of State departments. They cannot hide behind the might of the Party, since Party and State shared the power. The Party expresses a doctrine which must direct the action of the State, but the State in its turn alters the Party doctrine to si t itself. Many items of the Party Program dated 24 February 1920 were never carried out and fell completely into oblivion after a certain experience of power. In some other than that from labor was not ablished (item II) the trusts were not nationalized (itme 13,) land reform was not carried out according to the provisions

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H5157-0026

of item 17 (I); property interest and land speculations remained.

Ultimately, the whole of German life was subjected to the combined effect of State and Party forces. All the State departments and Party departments contributed to the creation of its components.

Examples are plentiful and are to be found in every State department.

Let us take Foreign Affairs. It is one of the State administrations which, in its correct conception, should remain the farthest removed from any political doctrine. Not so in Nazi Germany. For the purpose of the extermination of the Jews, headquarters abroad cooperate with RSHA by the intermediary of the Wilhelmstrasse, as evidenced by Documents RF 1206, 1220, 1502, 1210 and USA 433. Wilhelmstrasse officials are called upon to advise the military police and Secret State Police (Document RF 1061). It is BEST, RIBBENTROP's representative in Denmark who transmits the order for deportation of the Jews to the Chief of the German Police MILDNER (Document RF 1503). Document RF 1501 shows RIBBENTROP vindicating anti-Semitism to MUSSOLINI and requesting Italian cooperation.

(I) - This program, known as the 25 point Program was drawn up by HITLER, DREXLER and FEDER and read out on 24 Feb. 1920 at the Hofbrau beer house. It was the Program of the German Labor Party

H5157 - 0027

RIBBENTROP and KALTENBRUNNER are implicated in all the terrorist measures against the elites, the SD and the Wilhelmstrasse are also involved in the organisation of the aggression against the broadcast station of GLEIWITZ in order to furnish the pretext of a Polish attack. The report of the German military administration concerning the pillage of art treasures in France incriminates at the same time the special staff ROSENBERG and the German Embassy in Paris (Document RF 1505). The Wilhelmstrasse and the army are involved with the police in the question of hostages, reprisals, and deportations. The examples could be multiplied. We do not pretend to exhaust the subject, but only to illustrate an opinion.

Let us now examine the activities of the organization ROSENBERG. ROSENBERG, by virtue of his function, already coordinates several branches of the German State. His service of foreign policy has been incorporated in the Ministry of Foreign Affairs. He is furthermore the philosopher of the regime, Minister for the Eastern Territories and chief of the special Staff entrusted with the control of art treasures. The SD and the secret police work in liaison with him (documents L 188 and 946PS).

The same liaison, the same coordination must be noted in the order of the State machinery in matters concerning forced labor. All the Ministers and all the higher functionaries, like the Gauleiters, are involved in it, be it that they conceived or prepared the operation, or still more simply that they gave it a helping hand or that they benefited by it.

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We remember the inter-ministerial meetings in Berlin on this subject, and the conference between SAUCKEL, KALTENBRUNNER, SPEER, FUNK and the representatives of the OKW which is the subject of document PS 3819, the meeting in Paris presided over by SAUCKEL which was attended by representatives of the army, the police and the Embassy (document RF 1517)

Economy is no longer independent. During the war there exists under FUNK a close co-operation between the economic and administrative services of the army and those of economic affairs. (doc. RF 3bis). The Ministry of Economy appeals to the police to develop plans for the germanization of economy. (document RF 803 and 814). The Ministry of Finance subsidized the SS to carry out scientific research on the internees, involuntary subjects of experiments (D. 002 PS) Long before the war and under SCHACHT, the same bonds first secret, later on public and closer than any other country in the world, unite politics, finance and economy with the army. SCHACHT, in a speech of 29 November 1938 pronounced the following opinion on his achievement:

> "It is possible that no other issuing bank has followed in peace time such an audacious credit policy as the Reichsbank since the assumption of power by National Socialism. With the aid of this policy, however, Germany has created an armament which is the first in the world, and this armament has made possible the results of our policy...."

The judicial system is no longer independent. We find it associated with the police in the most criminal enterprises. Document PS 654 gives an account of a discussion between THIERACK, HIMMLER and others, at the end of

H5157 - 0028

H5157 - 0029

which it was decided that the anti-social elements and the internees of the concentration camps, the Jews, Gypsies, Russians, Ukrainians, Poles sentenced to more than three years prison should be turned over to HIMMLER by the administration, to be exterminated by work, and that in the future individuals belonging to the same categories should not be judged by ordinary tribunals but handed over immediately to HIMMLER's administration.

Finally, during the war the terrorist activities of the army and the police, of the State and the Party merge together. Sometimes the police is made subordinate to the army, though acting with a certain autonomy according to the orders of the RSHA. This is the case in Belgium. In France, in spite of being detached from the army, the police maintains close cooperation with it. The army participates with the SIPO (Security Police) and the SD in the persecution of the Jews, in the administration of the internment camp of Compiegne and in the designation of hostages (RF 1212 and 1212 bis) and in their execution (RF 1244). As we have seen the army and the police were accomplices in the terrorist actions against the population. The navy and the Police are also accomplices in the massacre of the commandos, and it is the police which massacres certain categories of War Prisoners, although all the prisoners without exception come under the authority of the OKW (PS 1165)

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H5157 - 0030

One might multiply examples of the close association of Party machinery with the State services, of their coordination which at times goes so far as to result in a symbiosis. Realization of the common political id a: the conquest of space by all possible methods, is the path pursued by all, one way or another.

The cooperation of the defendants is an evident result. Apart from the definite facts of co-operation which we allege, what we know of the general functioning of this totalitarian Sta , bound to the destiny of the Party, its vigour against the heretics for whom camps with their gas chambers waited, all that leads us to affirm that the defendants, be they Ministers or dignitari or high functionaries with State or Party authority together with others who are not there - dead or held for trial in other Courts formed an entity. And this, taken altogether, was the Government of the Reich, this was the State-Party or Party-State; an entity, perhaps, but conscious and criminal entity which caused the massacre of millions of human beings in order to enlarge the Reich beyond all measure.

The acts of the defendants are not only the particular ones which we analysed, just a minute ago, in the light of the national penal codes of their and our country, respectively. They comprise also in their entirety those of the German State for which they acted, of that German State to which they gave life, conscience, thought, will, and of which they must now assume the responsibility for the consequences, ev the most extreme ones, because they could not personally disentangle themselves from these crimes.

H5157-0031

And this brings us to our third proposition:

The Defendants must be judged on the basis of their functions performed in that criminal policy of which they were the promoters and instruments.

Was it not Dr. Seidl who, defending Frank, has said: (page 55)

> "This is an acknowledged principle and it derives from the penal code of all civilized nations that a uniform and natural action must be appraised in its totality, and that all circumstances which might possibly enter into consideration must be examined in order to form a basis at the time of the working out of the verdict."

It is in the political life that all the crimes of the defendants lie. They are, as we know the elements of a criminal State policy. To consider the defendants as offenders of the common law, to forget that they have acted in the name of the German State and for the account of that State, to apply a standard to them the same as that applied to hooligans or to assassins, would narrow the amplitude of the trial, would misinterpret the character of their crimes. Crimes which the Courts of our countries ordinarly adjudicate show the criminal in opposition to the social order. These ar individual deeds; their range is limited; their consequences are circumscribed. Their crimes never strike more than a few victims, and it is impossible to find in the annals of our countries an example of murder methodically perpetrated by terror organizations whose victims would run higher than a few hundred people.....

That is the highest price of a criminal plot within the bosom of our national Communities.

H5157 - 0032

Organized, highly hierarchichal, endowed with an armed force and judicial institutions, our national communities can eliminate delinquents before they can do all the harm they are capable of.

These defendants, on the contrary, developed their criminal activity within the community of States, an inorganized world which is just beginning to be conscious of its own existence and had then neither armed power nor judges.

These defendants seized the German State and turned it into a gangster State, putting at the service of their criminal plans all the executive might of the State. They acted as chiefs or leaders of political, diplomatic, juridical, military, economic and financial staffs. The activity of these staffs is normally coordinated in any country since they serve a common purpose indicated by a common political idea. But in National Socialist Germany, as we know, such coordination was reinforced by the interpenetration of party and administrative agencies. Private crimes became community crimes when committed by the State. Indeed, they were bred by the political thought of each individual: "Conquest of space at any price."

State crimes committed by any one of those who controlled a major department were made possible only because all those who controlled every other major department contributed their share. Should some of them and their departments default, it meant

the collapse of the State, the annihilation of its criminal power, which was tantamount to the end of the gas chambers or to the technical impossibility of creating them. But none had either the will or the wish to default, since gas chambers and extermination to make space were the paramount idea of the system, were indeed the system.

Is not the evidence of this unity in crime furnished by the very statements of the defendants, their constant efforts and those of their counsels to prove the autonomy of their departments and cast the Army's responsibility upon the Police, that of the Foreign Office upon the head of the Government, that of the Labour Department upon the Four-Year Plan, that of the Gauleiters upon the Generals; in short, by their attempt to persuade us that everything in Germany was run in tight compartments, whereas the interdependence of the administration and Party and multiplicity of connecting and controlling links between the State and Party prove the contrary by their clever overlapping. All French people who have lived in occupied France remember having seen on the walls of local Kommandanturs a poster depicting the bricks of a wall with the words:

"Teneo quia Teneor"

printed over the picture. It was the whole motto of the system. A few bricks taken away were enough to make the wall crumble. None of those men have done that. On the contrary, they all contributed a brick to the edifice.

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H5157 - 0033

H5157 - 0034

Thus by the facts, apart from any legal notion of conspiracy, of complicity which may perhaps be subject to discussion according to the different characterisation of the jurists, we shall furnish proof of the solidarity in crime and of the equal culpability of all.

To have perpetrated the crime it suffices for them, being chiefs or high officials of the Party or of one of the main State departments and acting on the State's account, to have with the object of extending by all possible means German living space conceived, to have been willing, to have ordered or merely tolerated by their silence that treaties ensuring the independence of other countries be violated, that wars of aggression be prepared or declared, that mass murders and other atrocities be systematically carried out, that demolitions and lootings without justification be systematically committed.

This is the crime of the German Reich, and all the defendants have conspired to commit it.

We will prove this for each of the defendants by means of examples drawn from the trial.

H5157 - 0035

For each defendant, the three principal propositions of this demonstration will be the following:

1) the defendant occupied an eminent position in the machinery of the state and the party which granted him authority over one entire office or several.
2) the defendant acquiesced in, if he did not conceive, the idea of the government: "conquest of space by any means".
3) He has personally taken part to the development of this idea by his own activity.

As to GOERING and HESS, the Court will undoubtedly excuse me from going into them at length. They were the designated successors of the Fuehrer. They belonged to the movement from the beginning. HESS took responsibility for the racial laws. Both contributed to the government's political ideas, of which in the eyes of the masses they were the living representatives. By their speeches, their lectures, they made this idea penetrate into all circles.

GOERING actively contributed and in an essential way in the military and economic preparation of wars of aggression.

GOERING is the creator of the Gestapo and the concentration camps where millions of supposed enemies of the government found their death, where genocide was finally and completely consummated.

H5157 - 0036

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A large part of his criminal activity is connected with the implementation of the 4 Years Plan, which, proof has been offered, was intirely directed towards the preparation for war. With others, he is responsible for the deportation of workers, the brutalities exerted against them, of their allocation to sectors of production aimed against their own country. Furthermore, he has taken part in the allocation of prisoners of war and political internees to works directly connected with the war effort of the Reich. He has organized the destruction of the econ. , and the looting of the occupied nations.

He has also organized, with the help of the Einsatzstab ROSENBERG, the looting of works of art on a large scale, often with the aim of enriching his own collections.

By decree of the Fuehrer of 21 April 1933, HESS had received full powers to decide about all questions concerning the management of the party. He participated in the preparation of laws and decrees in general, and even in the preparation of the orders of the Fuehrer. He participated in the appointment of government officials and labor office chiefs. He strengthened the hold of the party on the internal life of Germany. He had a direct influence on the army and on foreign policy. The part which he played in the development of anti-semitism implicates him in the criminal consequences of the movement.

H5157 - 0037

RIBBENTROP was one of the king-pins of the party and state machine. Placed in the Wilhelmstrasse by HITLER who distrusted "old-fashioned" diplomats, he worked with all his might to create diplomatic conditions favourable to the war of aggression, the essential means for realizing the conquest of space.

We recall the document submitted by our British colleagues and which establishes that RIBBENTROP assured CIANO in August 1939 that Germany would make war even if Danzig and the corridor were ceded to her. As it has already been shown, he and his offices are involved in acts of terrorism and extermination in the occupied countries.

Concerning KEITEL my explanation will be equally short. The conditions under which he agreed to be chosen by HITLER instead of von FRITSCH and von BLOMBERG, to be placed at the head of the High Command of the Army and introduced into the councils of the government, his political activity in these posts, expressed by his presence at the side of the Fuehrer in Godesberg, later on during the discussions with PETAIN and HORTHY, expressed again by the orders he signed and of which the order for implementation of the N.N. decree is not the least famous, show that it is not just a question of a mere soldier, but a politician general. His part in the arrests and massacres of patriots condemn him. Without any possible doubt he has participated in the exterminations, if only by abandoning to the police, for special treatment, certain classes of prisoners of war.

Moreover - we recall the connections of his offices with the police and the armed force of the party.

H5157 - 0038

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In the year 1932 KALTENBRUNNER became a member of the Party and of the SS in Austria. He became Secretary of State of the Security and the Police in Austria, afterwards Chief of Police in Vienna and Chief of R.S.H.A. (Reich Regent's Office) from 30 January up to the capitulation. During this last period he was responsible for the Gestapo, the Police, the Security Service and the concentration camps.

He was one of the most important heads of the criminal organization in the realization of the policy of extermination and in accomplishing the annihilation of a race (génocide). His responsibility for the mass-murders has been established. He issued the orders of internment and execution.

"The measures of protective custody", he says, "were measures justified by the war".

Although we know that he had the general direction of the camps, he tries to make us believe he made a stand against the application of these measures.

We are aware of ROSENBERG's important position in the 3rd Reich. A Department bore his name. Moreover, he was Minister of the Eastern Territories and Propagandist. In "Bood and Honor" ("Blut und Ehre") he resumed and developed the thesis of the space due to the so-called German race. He starts from the unfounded affirmations that "the irradiation of Nordism gives its entire meaning to the evolution of humanity" and that "there is decline wherever the Nordic culture, instead of condemning the Asiaties and the Jews to a permanent enslavement, mingles with these impure elements....." He concluded by saying that the continent must be subjected to

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the concept of the German race "Blood and Honour", (Blut und Ehre I - 243, 247, 256, 263 - II - 102 - I 334, 349.) To bring Germany back by all possible means to her racial purity was the subject of his speech at Nuernberg in 1933. He extolled the extermination of the Jews, and we know that it was not an oratorical phrase. Besides, he wrote in a report to the Fuehrer on II August 1941 (042PS):

> " Instructions aiming at keeping down the number of the
> " population of the Ukraine and at the non-application
> " of Article 218 of the German penal Code were studied
> " last year and resumed on the occasion of a trip of
> " the Director of the Ministry of Health.....In the
> " Ukraine measures have been taken with a view to
> " preventing epidemics, not in the interest of other
> " races, but exclusively for the protection of the
> " German occupation forces and for maintaining labour
> " in the service of the German war industry."

Finally he was implicated in the attack on Norway, and thanks to his special staff he proceeded to a methodical plundering of the artistic riches of Europe.

FRANK is one of the very first adherents of the Party. He was its legal adviser and took part in the elaboration of the program. He was also the Fuehrer's adviser. He was Minister of Justice in Bavaria, then Minister of State charged with the co-ordinating of Reich Justice, and lastly Governor-General of Poland. He was one of the main heads of the organization. It is he who tried to give a legal shape to the State's and the Party's terroristic program of persecution and extermination. He defended the institution of concentration camps in the German "Legal Gazette" in 1936 (pp. 141 and 142) and he proclaimed that the second fundamental law of the Hitlerite Reich was racial legislation.

H5157 - 0039

H5157 - 0040

His personal activity in Poland contributed to the extermination of numerous Poles. He boasted about it all in his paper,

FRICK was Party member from 1925 on. He became a Reich Leader and afterwards Reich Director for the elections from 30 January 1933 up to 20 August 1943. He was Chief of the service for the annexation of Austria to Germany, for the incorporation of the Sudetenland, Memel, Danzig, the Eastern Territories, Eupen Malmedy and Moresnet. Moreover, he was Director of the Central Office for the Protectorate of Bohemia-Moravia, the Government-General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all the other occupied countries. He was Protector of Bohemia-Moravia for more than one year. He was Reich Minister of the Interior since the assumpti of power, a member of the Defense Council, Being elected for the Reichstag in 1924, he proposed anti-Jewish laws. Strictly obedient, he became several times the spokesman for the political thought of the organization:

> " In National Socialist Germany, the direction is in the hands of an organized community, viz. the National Socialist Party. This latter represents the will of the nation. The policy adopte by the Party in keeping with the vital interests of the nation is at the same time the policy adopted by the country." (3258 PS

It is he who appointed HIMMLER. He is responsible for the anti-Jewish legislation and had sterilization applied to the descendants of coloured soldiers. Moreover he caused the lunatics reputed to be incurable to be kill

H5157 - 0041

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STREICHER entered the party practically as soon as it was formed. He engaged in an unrestrained propaganda against the Jews in his speeches as well as in his writings and he incited the German people to persecute and to exterminate them. He has been a Gauleiter. He does not reject anything that has been done. He stated:

> "When one has known the Fuehrer
> " as I have known him in his deepest
> " personality as I have, and when
> " I later learned from his testament
> " that he knowingly gave the order to
> " execute the Jews well I declare that
> " this man had a right to do so."

FUNK entered the party in 1931. He had the golden badge bestowed on him. He was the head of the Reich's press, Secretary of State for propaganda, finally he succeeded SCHACHT in the Ministry of the Interior in 1937. He became Plenipotentiary General for Economy and Presdident of the Reichsbank in 1941. In 1932 he was acting as middleman between the Fuehrer and certain heads of the German industry. He took part in the meeting of the industrialists on 20 February 1933 organized by GOERING in order to obtain the political and financial support of industry for the realization of the Nazi program. He stated on 4 May 1946:

> " as State Secretary for propaganda I
> " have a definite responsibility. I have
> " of course favoured propaganda as did
> " all those who found themselves in a posi-
> " tion of importance in Germany, for
> " propaganda filled and permeated
> " the nation's spiritual life."

He asked that the Jews be excluded from important positions. He issued decrees for the realization of that idea. He has received the deposits made by the SS/of gold and valuables taken from the victims

H5157 - 0042

of mass exterminations. He built up the war economy and signed the secret law of 4 September 1938.

DOENITZ was Commander-in-Chief of the German navy. He succeeded HITLER with SEYSS-INQUART as Foreign Minister. He was a recipient of the golden party badge. His adhesion to the criminal policy of the system is indisputable. He said amongst other things:

> " The officer is a representative of the
> " state. The ridiculous babble about
> " a non-political officer is plain nonsense."

He recommended the use of labor from the extermination camps in order, he said, to increase output by 100%. He proclaimed submarine warfare without restructions and ordered his sailors "tobe hard", and not to effect anymore rescues. He approved and extolled massacres of communists.

RAEDER was Commander-in-Chief of the German navy before DOENITZ. He was present at HITLERS conferences in which the latter revealed his plans. The texts were noted down in passing. He placed the navy at the Nazi regime's service. He conducted the clandestine re-arming and contributed in preparing the aggression against Poland, against Norway.

His contempt for international Law is well known (memorandum of 15 Sept/39-UK 65).

H5157 - 0043

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SCHIRACH was a party member from the age of 18 years on. He joined up in 1925; leader of the Hitler Youth from 1931 to 1940, Gauleiter of Vienna up to the capitulation, he was one of the essential parts of the machine. He admits that, as Gauleiter of Vienna he united in himself the powers of the State, of the city and of the party. He has shaped the German youth in accordance with the party's ideology and he has claimed the responsibility for the consequences of this exclusive formation. He allowed HITLER to recruit SS among the Hitler Youth.

From 1943, as he himself admits, he knew of the treatment inflicted to Jews. But long before that he had taken a quite clearly defined stand as to this question and had conducted an active anti-semitic propaganda.

SAUCKEL joined the party in 1925. Gauleiter of Thuringia, Plenipotentiary General for labor commitment, honorary Obergruppenfuehrer SS, he held a quite select situation in the State-Party machine.

A fiery propagandist, he delivered more than five hundred speeches all of them devoted to the development of Nazi ideology. He approved of the idea of extermination:

" In regard to the extermination of
" asocial element , GOEBBELS finds that
" the idea to exterminate them by work
" is far the best (682 PS)

"... The Fuehrer stated that we had to
" revise our school conception about the
" migration of people ... it is the
" Fuehrer's wish that hundred years from
" now 250 million people of germanic
" language be settled in Europe." (025 PS)

H5157 - 0044

the military men, to ROSENBERG, to STREICHER, to FRANK, to FRICK, the thinkers (if that term can be applied to them) of the ideology of the system, to SCHACHT, to FUNK, the financiers without whom the system would have failed and collapsed before it was able to rearm, to jurists like FRANK, to publicists and propagandists like FRITZSCHE and, again, STREICHER, devoted to the diffusion of the common idea or again to technicians like SPEER or SAUCKEL, without whom the idea never could have been developed into action as it has been, to policemen such as KALTENBRUNNER who subdued minds by terror, or simply Gauleiters like SEYSS-INQUART, SCHIRACH or, again, SAUCKEL, administrators, officials of high authority as well as politicians, who shaped into a concrete whole the common policy conceived for the sum-total of the State and of party machinery.

I know full well that the shadow of the absent ones towers over this machine and today's defendants are always reminding us: "HITLER wanted this, HIMMLER wanted this, BORMANN wanted this!", they say. "I only

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H5157 - 0045

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Von PAPEN prepared HITLER's accession to power. The constitution of his Cabinet on 30 May 1942 was contrary to the normal procedure of parliamentary institutions. On 2 June he ordered the dissolution of the Reichstag and at the same time gave free course to HITLER's terrorism. On the occasion of an interview with HITLER in June 1932 he said:

"I have accepted the demands of HITLER.

Namely the right of the SS and SA to wear uniform".

At the same time he had no illusions as to the consequences for his party of the Hitlerian disturbances which he had himself released. But he preferred HITLER to democracy. After the elections of 30 July he endeavored to induce HINDENBURG to tolerate HITLER and he succeeded in doing so during the month of November.

He permitted the invasion of the public functions by Nazis.

Sir David MAXWELL FYFE reminded us of von PAPEN's vindication of National Socialism in Essen in November 1933.

With regard to the racial problem, PAPEN took a very favorable attitude (speech at Gleiwitz in 1934):

"Surely nothing can be said against racial research or against the care given to the race which has the duty of safeguarding the characteristics of a people as much as possible..."

We know what this care consisted of.

PAPEN served the Party-State administration until the capitulation, and his activity was not interrupted, neither by the assassination nor the imprisonment of his collaborators, of which the State and the Party were guilty.

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H5157 - 0046

SEYSS-INQUART became a member of the National-Socialist Party on the 13 March 1938. He occupied various positions within the core of the party or in the State services, and finally became Assistant Governor of Poland, then Reich Commissar for the Netherlands.

He declared:

" I attach myself with indomitable tenacity to the goal in
" which I believe: the greatest Germany and end the Fuehrer.
" (Excerpt from a letter of SEYSS-INQUART to GOERING on
" 14 July 1939 (2219 PS)

" .... the task of a generation, that is to say the vital forc
" of a people, is considered by us as the creation and the
" security of the Lebensraum of the cultural and economic
" blood of that nation...."
(Speech of SEYSS-INQUART of 23 Jan. 1939 - 3640 PS)

" .... as the task of a whole generation, the entire territory
" of the Vistula and not only the present gain in the East
" should be settled by Germans.... the present Slovakia, the
" present Hungary, the present Roumania, should be reorganized
" The situation appears to me to be ripe.... I believe that
" we should obtain in a short time a single German administra-
" tion for this entire territory."
(letter of SEYSS-INQUART to BORMANN of 20 July 1940 -3645PS)

SEYSS-INQUART endeavored to realize the great political idea of the party: conquest of space at any price. He used all his resources for the annexation of Austria, of which he was a native (he admitted that he had worked for 20 years to realize the idea of the Anschluss). His collusion with Konrad HENLEIN for the rennion of the Sudete territory with Germany has been proved. Finally, in Holland he bound that country politically and economically to the Reich. Furthermore he is responsible for the systematic pillage suffered by Holland, for the deportation of part of the population and for measures which provoked famine.

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H5157 - 0047

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SPEER became a member of the Party in 1933. He was appointed Hitler's personal architect, and in this capacity he came into very close contact with the Fuhrer. As chief of the Todt Organisation since February 1942, Munitions Chief in the Four Years Plan since March 1942, Minister of Munitions since September 1943, he was one of the high ranking officials both in the State and in the Party. SPEER exploited more than a million men in the Todt Organisation, and in 1943 more than 50,000 deported Frenchmen in the territory of the Ruhr alone. He is responsible for the maltreatment of foreign workers in German factories, particularly in the Krupp plants. He employed more than 400,000 war prisoners in the armament industry. His delegates were authorized by the OKW to go to the camps and to select skilled workmen. He exploited the labor of the concentration camps, more than 32,000 men, as he has himself admitted. He visited Mauthausen and shared the responsibility for the deportation of Jews into special working camps, as well as the 100,000 Hungarian Jews who were assigned to aircraft factories.

Von NEURATH, who had been Minister for Foreign Affairs since 1932, remained in this office when the Nazis seized power in 1933. He continued occupying this post until 1939 and was, together with his services, gradually absorbed by the browing State Party Machine. Being amember of the government from the very outset, he must have been familiar with the political ideology of the movement. If he claims to have been upset in 1937, when he learned that Hitler was planning agression, he remained nevertheless in his office and did nothing to dissuade Hitler. On the contrary, it was his favourable opinion that encouraged Hitler to reoccupy the left bank of the Rhine, which constituted the first stage in the war of aggression for the conquest of space. He remained Minister of the Reich until the end of.....

H5157 - 0048

His presence encouraged conservative Germany to cooperate with HITLER. King pin of the Party State machine, von NEURATH is closely connected with this machine in the crimes of extermination of which he had full knowledge.

..... On 31 August 1940 von NEURATH transmitted to Dr. LAMMERS two Notes Verbales, the one drawn up by him, and the other by his secretary of State FRANK, both commending the total germanization of Bohemia-Moravia and the elimination of the Czech intelligentsia. One of the two reports contains the following lines:

"As regards the future organization of Bohemia-Moravia, all considerations should be based on the goal set for this territory, from the political and national-political angle (sic). From the political angle there can be but one goal: complete incorporation into the Greater German Reich; from the national-political angle, settling these territories completely with Germans. A brief survey of the actual position as it presents itself from observations and experience gained since the annexation in regard to the political and national-political angle, indicates the path to be followed in order to reach the clear and unequivocal goal ..... Things present themselves in such fashion that a decision must be taken on the fate of the Czech people so that the objective, which is incorporation of the country and populating it with Germans, might be achieved assquickly and as completely as possible." (Document 3859pPS).

FRITZSCHE served the Party before it came to power, but he did not join until 1933 and quickly turned into a remarkable propagandist. In the course of the war he became the head of the Radio Service. Expressing the great idea of the system, he incited to the massacre of the Jews.

Through his repeated addresses he furthermore endeavored to implant into the German people's mind the idea that the Jews and Democracy endangered its very life, and that it was to yield itself without reserve to the men whom Providence had sent to govern them.

H5157 – 0049

H5157 - 0050

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SCHACHT's position is something special. On his case I shall go into greater detail. He presents himself here as the victim of the System and is surprised to find himself here at the side of KALTENBRUNNER, his gaoler. SCHACHT told us that the System did not appeal to him. Still, during the Session of 21 May, 1946, Ex-Minister SEVERING declared that he had learned from a communication of the Berlin Police that SCHACHT had had conversations with the Nazi chiefs. He added that SCHACHT's relations with plutocracy and militarism impressed him as very compromising, and that he would not have wished to join the same Cabinet with him.

We know that SCHACHT had established relations with HITLER in 1930, bringing to him his credit in Germany and abroad. National Socialism benefited from it in a considerable measure.

At the rally of the National Front at Harzburg, in October of 1931, SCHACHT took his seat by the side of HITLER, HUGENBERG and SELDTE. He had already attempted to bring HITLER into the BRUENING Government. He organized financially the decisive elections of March 1933 (USA 874), incidental to a reunion of the leading industrialists with GOERING, on which occasion HITLER delivered a speech. Since the seizure of power, SCHACHT has played an outstanding role in the machinery of the Party and of the State. He became President of the Reichbank and Minister of Economy. On 19 January 1939 he left the Reichbank, but he became Minister of State and held that post until 21 January 1943. Clever, subtle and knowing how to hide his thoughts behind irony or insolence, he never committed himself altogether.

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It is also established that he persistently demanded extension of space for Germany. When he tried to put people on the wrong scent by speaking of colonial claims, and the remark was made by his interlocutors that considering world conditions no possession of colonies could assist Germany in solving her domestic problems, he neglected to answer. He knew how to use treats towards democrats, and even resorted to blackmail when remarking on a Party success during a visit to America;

> " I warned in the clearest possible language by saying: if you in foreign countries do not change your policy towards Germany, there will very soon be many more members and adherents to Hitler's Party."
>
> He also said:
>
> "This is all quite clear: we ask for more space in order to feed our people."

What part did he play in the development of criminal policy?

As soon as he came to the Reichsbank, a huge program for financing public works was launched; now railroads, motor highways, all of them works of strategic interest. Moreover, an important portion of the credits was secretel used for purely military purposes.

From 1935 on, rearmament was speeded up under the vigorous impulse of new financial measures devised by him. The academic and upright economist turned into an adventurer in order to carry into being the grand idea of the Party. By means of accommodation drafts: the M E FO drafts, rearmament was financed. Issued on a drawee who had provided no cover, a Society created to serve the purpose, the drafts had blank endorsement by a second similar Society....

H5157 - 0051

H5157 - 0052

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When issuing the first draft the drawer annexed extension drafts calculated in such a way that the last became due in January or March 1942. When looking back the selection of that date attains full significance. The year 1942 was the time appointed by SCHACHT for the term of his dishonest undertaking. He hoped that by then the war would help him to solve the problem. The original draft was discounted by the Reichsbank. The bills were not subject to fiscal taxes in order to prevent the evaluation of the volume in circulation by means of the modifications in the yield of the taxes. The operations were veiled in the utmost secrecy. All the available credits in marks were engaged by the Reichsbank in these armament drafts as far back as 1935. At the end of 1938 there were 6 milliards of MEFO drafts in the assets of the Reichsbank and 6 milliards to discount, of which 3 milliards were short-dated. At the due date, SCHACHT could not but be aware that there were only three possible solutions:

1) Consolidation of the debt by foreign loans, but these would be refused to a nazified and overarmed Germany.
2) an inflation comparable to that of 1923 and this would have meant the end of the regime
3) War.

The importance of the re-armament financed by SCHACHT up to 31 December 1938 is shown by the calculations made by Mr. GERTHOFER of our delegation (We annex his report hereto). Let us not forget that HITLER, in his letter of 19 January 1939 to SCHACHT, wrote to the latter: "Your name will above everything and for ever be connected with the first period of national re-armament." From 1 April 1935 to 31 December 1938 the expenditures for Germany's re-armament amounted to three hundred fortyfive milliard four hundred and fifteen million francs.

H5157 - 0053

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During the same period France spent only thirtyfive milliard nine hundred and sixtyfour million francs. Such a discrepancy shows quite clearly what SCHACHT's aim was. In 1940 the same proportion was found again on the battlefields of France: ten German armoured divisions against one French.

The retirement of SCHACHT from the Reichsbank or from the Ministry Economy can in no way militate in his favour. Difficulties arose between GOERING and him in regard to the carrying out of the Four Year Plan. SCHACHT did not wish to be subordinate to GOERING. He resigned from the Ministry of Economy on 26 November 1937, but remained President of the Reichsbank and Minister without Portfolio. On 7 January 1939 he handed HITLER a memorandum in which he established that the volume of the MEFO drafts in circulation through his own fault was becoming a menace to the currency. Technically his position at the Reichsbank had become impossible. The causes therefore underlying his departure were questions of economic organization, not political reasons. He, however, remained Minister without Portfolio. He resigned this post only in January 1943 at the time of the Stalingrad defeat, when the Party-State as well as the Reich were beginning to break down. Evidently he was of no more use them, but it is equally evident that he might have become so again later on as negociator of a negotiated peace.

Is the balance of his political descent due to the intrigues we can now guess at of HITLER's advisers, is it machiavelism on his part, is it bad luck? Of what importance is this nefarious man who succeeded in rounding up an in handing over to

H5157 - 0054

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HITLER all the financial and industrial pangermanist powers, who helped HITLER to seize power, who by his presence inspired confidence in nazi Germany, who succeeded through his financial wizardly in providing Germany with the most powerful war machine of the time, and who did this to enable the Party-State machine to rush to the conquest of space, this man was one of those mainly responsible for the criminal activities of the Party-State machine. His financial clevorness was that of the Nazi, his participation in the crime of that State is beyond doubt. His guilt, his responsibility are complete.

With regard to the last of HITLER's confidents, BORMANN, we know that he was in charge of the liquidation of the Jews. There is no need to say anything further.

H5157 - 0055

I am now through with the demonstration of each defendant's guilt, not that the subject is exhausted, but the time allotted by the Court for each Prosecution expound his address to the Court only allows us to prepare the draft of a working deserving of systematic execution . The example illustrating our thesis could be multiplied. All the facts submitted during the last nine months by the four delegations fit without any effort within our plan, and this single fact proves that our logic is unimpeachable and conforms strictly to reality.

We consider therefore that the proof has been furnished that all these men have been a party to the crime of the German State. That all these men were in fact united in the pursuit of the same political purpose and that all of them have in one way or another participated in the greatest crime of all, genocide, the extermination of the races or people from which they intended to conquer the space they deemed necessary for the so-called Germanic race.

We have all heard the objections made by the defense counsels. Dr. SEIDL stated them most forcibly (page 25 of his speech for FRANK).

> " The law in force starts from the
> " fundamental principle that the
> " subject of International Law is
> "solely the sovereign and
> " not the single individual.....".

In conclusion he denies you the right of sentencing these men. First let us say that not one of the defendants was the "single individual" Dr. SEIDL speaks about. We think that we have demonstrated their co-operation and their solidarity, strengthened by the Party system beyond the usual intercourse between the Ministers and the principal administrators of any democractic country.

H5157 - 0056

We yet observe that it seems intolerable for any sensitive conscience to assure immunity to the men who have lent their intelligence, their good will to the "State" entity, to make use of the power and of the material means of this entity, to slaughter, as is the case, millions of human beings in the execution of a criminal policy long since decided on. The principle of State sovereignty which might cover these men seems to be only a mask. This mask removed, the man's responsibility reappears! Maitre SEIDL knows it as we do. But he states "Such is the International Law in force." What a respect on his part for the law in force, but how surprising in his mont' he words which follow! A few moments later, examining the Hague Conventions of 1907, which, let us remember, have not been denounced by any of the signatories, not even by Germany, he underlines complaisantly that, inspired by the experiences of the wars of the XIXth century, they are no longer valid in the XXth. Modern wars would have broken through the limitations foreseen by the Hague Conventions. He states further:

> " One cannot make use of the modalities of the Hague
> " Convention regarding land warfare - even in the widest
> " sense and with an adequate adaptation to found thereon a
> " personal penal responsibility."

Thus for Dr. SEIDL, International Law is static when he believes he can draw favorable conclusions therefrom, but this law is in the process of evolution when it condemns his client.

Such dialectics which make use of paralogism are fallacious. Maitre SEIDL is well versed in the art of sophism, but he convinces no one.

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The immunity of the Chiefs of State and of their associates was hardly conceivable when they accepted the principle of the submission of wars to the restrictions and rules of common law, conventions and to the rights of people.

This immunity becomes intolerable from the moment that they free themselves of every rule, and under pressure of the universal conscience an evolution of international custom takes shape against it. I have already shown it in concluding my statement in February last, I will not revert to that point. It should be enough to add that the Charte of 7 August 1945, considering the work of the different commissions of war crimes of 1940 at the capitulation, maintained the conclusions of a Frenchman M. de LAPRADELLE at the 1919 War Guilt Commission. It is because of their acts committed on behalf of the German State that the defendants are arraigned before you - and if it is necessary t law should reinforce the authority of custom, the Statute of London, drawn up in accordance with the significance of the common law in course of formation, justifies still more our study of the defendants' responsibility in regard to the crimes of the German State.

The impression from the final pleadings is given that most of the Defence Councils put all their hopes on a narrow juridical or pseudo-juridical reasoning,

Numerous questions were debated. Are there just and unjust wars, defensive wars and wars of aggression, is there, yes or no, a world-wide juridical conscience, are there unequivocal criterions of aggression? This is what makes the defense anxious, not knowing to what extent it is expedient to punish those who have collaborated in the machinery of extermination.

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H5157 - 0057

H5157 - 0058

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When the Defense Counsels speak of "law in force" it is to deny to this Tribunal the right to condemn, and Dr. JAHRREISS denied all authority to the law "such as it should be conceived" in the light of morality and progress (page 3). All forget that the law in force is not only the law of the past, the only one which they invoke, but that the law in force is also the one that the judges invoke in a concrete manner from the Bench. All forget that jurisprudence changes with the times. There, where there is no written law, one can only speak of the preceding tendencies and find out if they are still valid and can be invoked.

But let us not follow this any further. We would ourselves confuse the issue.

The sole fact of this trial, the fact that dominates all others, is the one of the methodical, systematic extermination of all the men who occupied the space coveted by Germany.

Other crimes have most certainly been committed, but only as means to the end. One is ttempted to say secondarily and accessorily, one is overwhelmed to such an extent by the atrocity of the final crime.

One should be impressed by this atrocity, one should understand well the danger that such a precedent is for humanity and therefore demand adequate punishment.

H5157 - 0059

III - Atrocity of the State-committed crime.

These men's crime is not a simple one. We have already shown that. The common criminal knows his victim, he sees it. He strikes him himself and knows the effect of his blow. Even if he is only an accomplice he is never, morally and psychologically, sufficiently far removed from the chief perpetrator not to share to a certain extent his apprehensions and reactions when the blow is delivered and the victim collapses.

Committed by the State organization, racial extermination, murder or any ofter crime becomes anonymous. Nobody bears the chief responsibility. Everybody shares it, those who by their presence maintain and support the administration, those who conceived, those w willed, as well as he who issues the order. As for the executioner, he repeats to himself: "Befehl ist Befehl". "An order is an order" and he carries out his killer's task.

Those who decide do it without shuddering. They have not perhaps an accurate, concrete idea of the consequences of their orders. Thus the amazement of some of the accused in the few minutes after the showing of the film about the camps may be understood. As far those who promote the execution of the crime by their general cooperation in the work of Party and State, they have the feeling of being passive witnesses of a scene in which they are not concerned Indeed, there is no punishment to be feared, In the German scheme the State and the Party are strong, and determined to remain so for a thousand years. They have destroyed Justice.

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In the international scheme, the prevailing code ensures immunity or at least is believed to ensure it. Moreover there exists no permanent international jurisdiction that can stand up against the gangster States. As for the possibility of a military failure, nobody stops to consider it in view of the seemingly thorough precautions taken. It is in fact remarkable that the culmination of the massacres coincides, with due consideration for the delay necessary for the operation of the gas chambers, with the period in which the State and regime believe in the certitude of victory, or have not yet taken the omens of defeat seriously. It is really the perfect anonymous crime as imagined by the French moralist when he propounds the case of the mandarin as a test of moral conscience. And conditions are all in favor of absence of reaction. The facts have demonstrated that non of those men have felt a decisive recoil in those conditions.

Most of them did feel that they had played a part in the tragedy. They have, I think, been more intent on relieving their conscience than on attempting to deceive their judges by casting their guilt on their neighbors. Few of them have had the courage to acknowledge, as did SCHIRACH and FRANK, that they were components of the whole system, and as such could not evade their responsibility. At the risk of letting the guilt fall upon the German people who proved incapable of rejecting their evil master, the others evense themselves. They attempt, in the exposition of their case, to minimize responsibilities in the hope of conjuring them away, but since it is true, as stated by SEVERING and previously by the mayor of Oranienburg and the mayor of Buchenwald and as confirmed by FRANK, that it was whispered all over Germany that people died in camps as everybody now knows, do they hope to make us believe that they alone were in ignorance thereof?

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H5157 - 0060

H5157 - 0061

The less guilty among them, if one can establish a hierarchy among "major criminals", did not dare to object, but their criminal cowardice had such appalling consequences that there cannot possibly be any extenuation of penalty.

As we see now, State-committed crime in a regime in which State and Party are one, and in which there is no popular control through lack of freedom of though freedom of expression and free elections, is of all crimes the easiest to commit subjectively speaking. Moreover, the technical progress made the world over has put almost every natural force at man's service. His capacity to work evil has been considerably increased thereby.

Moral restraint has meanwhile been slackened by the pursuit of material gratification which is also the corrupt fruit of material progress unbridled by intellect.

In general, criminality seems to increase in every state despite the highly improved methods of repression. In the international scheme the process is similar. It is only on a larger scale, because so far there have been no means of repression. Industrial revolution and the development of natural sciences have multiplied the virtual power of States. Let the State concentrate in its hands natural wealth and its exploitation, accentuate its grip upon credit by monetary manipulations, increase of taxation multiplication of free or forced loans; still further bind the populations to its fate by the development of public charity: control thought by radio propaganda;

H5157 - 0062

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use to this end eloquent propagandists capable of stirring blind mob passions within the most scattered and the most peaceful of men; if this State at the same time annihilates in its apponents every mode of expression, prevents all popular control, all, including private, criticism, it becomes a despotic ruler holding in his hands tremendous means of action for better or worse. Every criminal technicality is within its reach and it can make use of them without restraint, unless, Gentlemen, you insert the element of sanctions in International Law. It must henceforth be possible to put an end to the criminal activities of a gangster State through the power of a super - State organization directed by a legal institution of the same kind, otherwise the freedom of nations is doomed. The weapons of revolt fell from their hands the day when States and States alone could possess methods of destruction against which the courage of citizens remains helpless. Operated by a small number of men devoted to the criminal regime, those arms which are the property of the States can drown in blood the slightest attemtps at resistance, and if revolt against tyranny remains the most sacred of duties, such revolt is now hopeless. This is the danger, and Germany succumbed to it. It is true that favourable conditions were present at the same time. Under the impulse of the industrial revolution which was more violent in this country than in any other, a sweeping change in social standards has taken place, the population meanwhile changing from rural and agricultural to urban and industrial. It has resulted in a lowering of the spiritual level with disastrous consequences, since the bourgeoisie had received no political education under the Empire.

H5157 - 0063

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Deliberately kept away from public affairs by their past rulers, the German masses, where the industrialist upper class and proletariat are concerned, were interested only in the economic development of the Reich, and where the middle class is concerned, only in the Army and in the future of the Reich. When, after the first war, the Germans were forced to suffer the disillusionments of defeat; when, in a common [illegible] and embittered environment all the rancour and resentment as described by defendant Goering at the beginning of his testimony was added thereto as well as the bitter feeling of material and social downfall; when in particular youth strove to materialize its hopes into a concrete reality, Pangermanism then awoke, was spread, popularised and came within the reach of all the dissatisfied. At the same time, the old antithesis between vitalization and intellectualism, between culture and civilization, healthy eagerness and decadent lassitude, the cult of life and the cult of intellect has been awoken and crystallized for the use of simple and puerile brains in the form of the dynamic antithesis between the Nordic Aryan and the Semitic Jew. Appropriate education has easily imposed this biologic materialism. The ground had long been ready. The German is particularly attracted to inculcated doctrine because it alone can make up for the lack of personal, independant discipline which is characteristic of him on the interllectual and moral plane. He loves anything that can be recited as a creed simultaneously admitted by everybody, and as a stereotyped phrase easy to make use of on all occasions. Young Germans therefore learned for their Abitur examination the six races allowed by Guenther in the same way as they learned Grammar, and did not dream of doubting the former any more than they doubted the latter. And when the German mind reproached nations as lively, as attached to their soil, to their tradition

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H5157 - 0064

....And while the German mind reproached nations equally alive, equally attached to their soil, to their traditions, to their supple and varied human culture, such as England and France, with contenting themselves with a miserable and artificial intellectualism, while it reproached them with the crime against life (and Dr. STAHMER was the echo thereof) - the German mind created for itself, as a result of the coarse and facile instructions it claimed to inflict upon all, - an intellectualism different to ours in its danger and artificiality. The aim of these so-called ethics of Life was a practice and a doctrine of pure collective, social pseudo-scientific, biological - materialistic opportunity. This aim was: the sterilizations, the physiological experiences in the camps, and 15.000.000 persons dead. The reflection of the old French thinker flashes irresistibly through our minds at this result: "Science without conscience is but ruin of the soul" - Neo-Machiavellism, of which GOERING gave an example in his statement, took root .....

I read lately in a final pleading somewhere that right in itself does not exist, and that the search for the boundaries between right and wrong is determined by historical and national standards (Dr.NELTE). HITLER had already said: "That which is right is that which is profitable to the nation" and FRANK paraphrased thus the testimony of his Defense Counsel, "What is profitable for the people is right. The common interest has priority over the individual interest". While reading this, I thought of the answer which would have been given by the absolutist Bossuet, who knew how to determine the human measure. (The Defense Counsel compared French absolutism with Nazism: Here is the answer).

H5157 - 0065

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" Politics sacrifice the individual to the common weal, and this is right to a certain extent: It is good that one man die for the people. By that Caiphas understood that an innocent person could be sentenced to the supreme penalty under the pretext of the common weal, which is never allowed, for, on the contrary, the innocent blood cries for revenge against those who shed it."

We are aware of what could be the result of the Nazi precepts. The witness ROSER related the words of this young German soldier who, after having described the mass murders in a ghetto, concluded: " Ah, my dear Friend, it was horrible, but .... an order is an order". The Tribunal will find at the end of document F 655 which is in one of the Document Books submitted by the French Delegation, KRAMER's terrible reflection. Before being Commandant of the Bergen-Belsen concentration camp, KRAMER commanded the Natzwiller camp in Alsace, where he himself asphyxiated eighty persons by gas, the proof of which has been given. To the question: "What would you have done if all of them had not been dead?", he answered: " I should have tried again to asphyxiate them by injecting a second dose of gas into the room. I was not moved at all while accomplishing these acts, for I had received the order to execute the eighty internees in the way I explained you. After all I have been trained in that way." What a terrible charge against the system! Before being assasin by order, this man had been bookkeeper at Augsburg. How many peaceful bookkeepers trained in that way are left in the Germany of to-day? and now "the innocent blood cries for vengeance."

H5157 - 0066

CONCLUSION

You know the crime! You know why and by what means it was perpetrated! The heinous crime without precedent is that of the National Socialist "State-Party", but the defendants in their capacity of chiefs of the National Socialist Party and the great State officials, have all accepted major responsibilities in the conception and perpetration of this crime. Their participation in the crime of the "State-Party" is their personal error which is covered by no immunity whatsoever!

They must be punished; you are also aware of the dangers to which the world is exposed by their crime, the miseries, the misfortunes it spread among mankind.

You must hit hard, without pity! That the verdict be just, that is sufficient! To be sure, there are shades in their guilt. Does it follow that the penalties themselves must be varied, if even the least guilty as we think deserves the death-penalty! To-morrow, this international trial closed and the principal war criminals sentenced, we shall go back to our own countries where, before our own Tribunals we shall perhaps have to

H5157 - 0067

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prosecute those who merely executed the orders of the National Socialist State, who were only executioners.

But how could we then claim the death-penalty for another KRAMER, for another HOESS, for the camp commandants who have on their conscience millions of human creatures by order, if today we hesitate to claim the supreme penalty against those who were the instruments of the criminal State the State that issued the orders.

The fate of these men moreover lies entirely with your conscience!. This is beyond our competence, our task is finished. Now, it is for you in the silence of your deliberations to listen to the innocent blood crying for justice.

M. Gilbryson

H5157 – 0068

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INTRODUCTION TO THE FRENCH FINAL ADDRESS

TO THE COURT

Errata to the English text.

1. Page 2, Line 5 . Insert : after the word "..nation" :
"which Dr.Sauter alluded to at the end of his speech in favor of von Schirach, stating that it was faithful, fair, and full of virtue, to transform the nation ....."
and delete the words
..... of Goethe, of Kant, of Sebastian Bach..."

2. Page 6, line 8. Insert : after the word "..territory" :
"... The Tribunal recollects the speech delivered by Goering to the Gauleiters, submitted under nº 170.U.S.S.R."

3. Page 8, line 18. Insert : after the words "civilized nations ":
... and, in order to preserve the world from barbary, the victory of the United Nations was cause that, to-day, strenght runs together with Justice, which is referred to in the Charter establishing your Tribunal and that your sentence will sanction."

H5157 – 0069

Final Address to the Court.

INTRODUCTION

For the last nine month more than fifteen years of history have been evoked at this bar.

Germany's archives, those the Nazis were unable to burn before their defeat, have yielded us their secrets.

We have heard numerous witnesses, whose recollections would have been lost to History but for the present trials.

All the facts have been submitted with the strictest objectivity, leaving no room for passion nor even for sensibility. The Court has excluded from the debate anything that, in its opinion, seemed insufficiently demonstrated, anything that might have appeared dictated by a spirit of vengeance.

For the interesting point of these trials is above all that of historical truth.

Thanks to them the historian of the future, as well as the chronicler of today, will know the truth about the political, diplomatic and military events of the most tragic period of our history; he will know the crimes of Nazism as well as the hesitancies, the weaknesses, the omissions of the pacific democracies.

He will know that the result of twenty centuries of civilization, which believed itself to be eternal, nearly collapsed before the renewed onslaught of a new form of the ancient barbarism, all the more savage for being more scientific.

H5157 - 0070

He will know that technical progress, that the modern means of propaganda, that the devilish processes of a police defying the most elementary rules of humanity, have enabled a small minority of criminals to distort within a few years the collective conscience of a great people, and to transform the nation of GOETHE, of KANT, of Sebastian BACH into that of HITLER, of HIMMLER and of GOEBBELS, to mention only the dead.

He will know the crime of these men has been to have conceived the most gigantic plan of world domination and to have wished to realize it by all and every means.

By every means, that is to say without a doubt by the breaking of the given word and by the unleashing of the very worst kind of war of aggression, but particularly by the methodical, scientific extermination of millions of human beings and specifically of certain national or religious groups, the existence of which hampered the hegemony of the Germanic race.

This crime is so monstrous, so unknown in history up to the birth of Hitlerism, that the neologism of "genocide" had to be created to define it, that it required an accumulation of documents and testimonies to make it believable.

That, to the shame of the times we live, this crime was possible, the perfect collaboration of the four Public Prosecutors has permitted the proof to be given, and, within the limits of the counts of indictment she reserved for herself, France believes she has done her part in the common task.

H5157 - 0071

While the defendants and their defense counsels have spoken much before the Tribunal regarding the protection which the innocent civilian population is entitled to, as of an obvious principle, it has been established by us that the defendants have deliberately violated this principle by treating these civilian populations with utter disregard for human life. Is it necessary to evoke the terrible sentence pronounced by the defendant KEITEL "human life is worth less than nothing in the occupied territories."

Renewing a tradition which symbolizes the most primitive practices of warfare, the defendants reinstated the system of hostages. They put their signatures to general orders to capture and execute thousands of martyrs. In France alone 29,000 hostages were shot. We know that the fighters of the resistance, whose patriotism is now being admired by the defendants, have been massacred, tortured, interned for the purpose of their slow extermination. That, under the pretext of reprisals, by the carrying out of orders or by the committing of individual cruelties which were covered by the complicity of the authorities, civilians chosen absolutely at random have been executed, that entire villages were burnt down:
Oradour-sur-Glane, Maillé in France, Putten in Holland have not yet risen from their ruins.

We all have in mind the atrocious orders issued in the operational sector of Marshal KESSELRING to combat partisan activity by terror. We saw ther one officer order as a reprisal the execution of 50, of 100 or even of all the men of a region as a reply to isolated acts directed against the German army. The carrying out of that order was authorized on the basis of instructions by the commander of the theater of operations, who himself acted on more general instructions issued by the defendant KEITEL.

H5157 - 0072

This example illustrates the perfect collaboration of the National Socialist Cadre and the State and pleads, if it is still necessary, for the joint responsibility of the leading personalities of the regime.

We know that thousands of men have been torn away from their homes and forced to produce arms against their own country.

The bad treatment given to the soldiers hurt us even more, because Germany, be it the traditional Germany, the Nazi Germany in power or the same Germany now presenting the poor argument of its defense in the prisoners' docks, has always claimed to adhere to the universal rules of military honor and to the respect due to all soldiers. And, in spite of this, we have seen KEITEL himself, the champion of these ideas to a point that he brought it up again at the conclusion of his testimony on the witness box, urge the Wilhelmstrasse and the co-defendant GOERING to approve his criminal propositions concerning the treatment of aviators who fell into their hands.

Documents like the testimony of GRUNNER admit of no doubt that the criminal orders to exterminate and lynch aviators had been issued in the regular manner and been transmitted to the agencies charged with their execution.

No doubt is possible as to the principles involved in the drawing of the order concerning the commandos, nor as to the execution of this order in the various theatres of operations. The Prosecution has furnished a striking collection of evidence in this point.

Our concern became even stronger when we acquired the certitude that cruel orders had been issued to execute or intern for the purpose of their extermination men who had already been reduced to a state of helplessness by their detention in a prisoner of war camp.

H5157 - 0073

We have in mind the sinister affair of SAGAN, often evoked in the course of this trial. The defendants themselves attempt only to evade their personal responsibility without denying the atrocity nor the truth of the facts. We have shown how the refractory escaped officers and non-commissioned officers, whose past records and attitude demonstrated their moral force, had been extermined by the "action" KUGEL.

Finally, Nazi Germany has unveiled her plan of expansion and world domination by systematically organizing the extermination of the populations whose territories she occupied.

This action was carried out at first, as we have proved, by the political, economic and moral destruction of the occupied countries. The means used for that purpose were the brutal or gradual seizure of sovereignty, or the carefully worked out interference of the German authorities in all domains, the creation and implacable execution of a program of economic pillage in order to achieve the exhaustion of the occupied country and so put it at the absolute mercy of the occupant, and as a result the Nazification of the State and the people, together with the destruction of cultural and moral values.

But this methodical extermination was also carried out in the material domain of the systematic massacring of people.

Is it necessary to evoke the gigantic extermination of groups supposedly impossible of assimilation with the National-Socialist world, the immense grave yard of the concentration camps, where 15,000,000 people perished, the abominable achievements of the "Einsatzgruppen" (groups for special commitment) described with irrefutable exactness by General OHLENDORFF.

H5157 - 0074

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We think we have also established the proof of those pernicious extermination attempts which upon examination, prove to be one of the most perfect expressions of the policy followed by the defendants. I am referring to the deliberate under-nourishment to which those non-Germans were subjected who fell under Nazi authority under whatever circumstance entire nations starved out in reprisals, civilians in occupied territories ruthlessly rationed in the framework of the pillage of the territory. GOERING says to the Gauleiters:

> "It is absolutely immaterial to me if you tell me that your people are collapsing for hunger. Let them collapse, so long as no German starves."

and again with reference to Holland:

> "It is not our mission to feed a nation which spiritually rejects us. If its people are so weak that they cannot as much as raise a hand where they are not employed to work for us, so much the better..."

Famine, physiological misery and the resulting reduction of vital potential, all this, as well as the slow exhaustion of political interners and prisoners-of-war, is included in the plan of extermination of populations to clear German vital space.

The same idea governs the detention in captivity or semi-captivity, in the case of labor deportees, of young healthy men whose presence at home was necessary to the future of the country.

All this has been confirmed to us by the latest census results.

These reveal to us that every German occupied country has registered a decrease in population of 5 to 25%, whereas Germany is the only country in Europe which shows an increase in population.

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H5157 - 0075

We have proved all these crimes. After the submission of our documents, the hearing of the witnesses, after the projection of films which the defendants themselves could not behold without a shudder of horror, nobody in the world can possibly claim that the extermination camps, the executed prisoners, the slaughtered populations, the mounds of corpses, the human herds maimed in flesh and soul, the instruments of torture, gas chambers and crematories, that all these crimes existed only in the imagination of anti-German propagandists.

Indeed, none of the defendants have challenged the truth of the facts we have reported. Since they cannot deny them, they merely try to clear their responsibility by burdening the memory of those of their accomplices who committed suicide.

"We knew nothing of these horrors, "they say, or again: "we did everything we could to prevent them but HITLER, who was all-powerful, commanded and did not allow disobedience or even resignation from office".

What a poor defense ! Whom can they possibly persuade that they alone were ignorant of that which the whole world knew and that their monitoring stations never reported to them the solemn warnings which the heads of the United Nations gave to the war criminals by radio.

They could not disobey HITLER's orders, they could not even resign from office? Indeed! HITLER could doubtless govern their bodies but not their minds: by disobeying they would perhaps have lost their lives but they would have saved their honor at least Cowardice has never been an excuse, nor even an extenuating circumstance.

H5157 - 0076

The truth is that all knew perfectly - from having taken part at its elaboration - the doctrines of National Socialism and its will for universal domination, that they well knew to what monstrous crimes it led its adepts and its performers with disastrous results, that they had accepted its responsibilities as they profited by the material and moral advantages which it lavished upon them.

But they thought themselves sure of immunity because they were certain of victory, and that before the triumph of force, the question would not be asked: was the cause just? They persuaded themselves, as they had done after the war of 1914, that no international jurisdiction could ever pursue them. They thought that PASCAL's pessimistic judgment on human justice in international relations would always be true: "Justice is liable to argument, Force is easily recognizable without argument. So being unable to make strong what is right, one has made right what is strong."

They are mistaken. Since PASCAL, slowly but surely, the notion of Moral and of Justice is born, and has taken shape in the international custom of the civilized nations.

The Court will not doubt remember that in conclusion of its enumeration of the charges of the Prosecution, the French Prosecution has stated precisely the responsibility of all the defendants, "guilty of having, in their capacity of principal Hitlerite leaders of the German people, conceived, desired, ordered or only tolerated by their silence that murders or other inhuman actions be systematically committed, that violence be systematically exerted on prisoners-of-war or civilians, that devastation without justification be systematically committed

H5157 - 0077

as a deliberate means of accomplishing their design to dominate Europe and the world by terror, and to exterminate entire population, so as to extend the living space of the German people."

It is only left to us to demonstrate that the debates which have taken place before you, have only confirmed and reinforced the accusations and the qualifications, that at the beginning of the proceedings we already formulated against the big criminals, whom, in execution of the Charter and to satisfy the exigencies of Justice the United Nations have deferred to your Court.

CERTIFICATE OF TRANSLATION

23 July 1948

We, EVERETT V. CUNNINGHAM, Civ. B 210795, and E. M. WITT, Civ. 344289, hereby certify that we are thoroughly conversant with the English and French languages; and that the above is a true and correct translation of the Document.

EVERETT V. CUNNINGHAM

Civ. B 210795

E.M. WITT

Civ. 344289

H5157 - 0078

II

Final French Indictment

-:-:-:-

M. Charles Dubost

Assistant to the Government Delegate

at the International Military Tribunal

for Major War Criminals

-:-:-:-

H5157 – 0079

TRIBUNAL MILITAIRE INTERNATIONAL

H-5157.

French Final Address
(English)

DOSSIER D'AUDIENCE

Le Procureur Général :

R. F.

H. 502063

(M. Dubost) Final Speech - French
(English)